IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND NINE

PRESENT
THE HON'BLE MR JUSTICE V.ESWARAIAH
AND
THE HON'BLE MR JUSTICE VILAS V. AFZULPURKAR

WRIT APPEAL No: 807 of 2000

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 24.11.1999 in WP No: 18491 OF 1999 on the file of the High Court.)

BETWEEN:

APSRTC, rep. by its Depot Manager, Paderu, Visakhapatnam District.

... APPELLANT

AND

The Industrial Tribunal-cum-Labour Court, rep. by its Presiding Officer, Visakhapatnam and another.

...RESPONDENTS

Counsel for the Appellant: K.MADHAVA REDDY(SC FOR APSRTC)

Counsel for the Respondents: MR.C.H.NAGESWARA RAO

The Court made the following:

JUDGMENT: (per Hon'ble Sri Justice V. Eswaraiah)

Heard both the counsel.

2. The second respondent – workman filed an application in I.D.No.108 of 1996 before the Industrial Tribunal – cum – Labour Court, Visakhapatnam, under Section 2-A(2) of the Industrial Disputes Act (for short 'the Act') assailing the order of retrenchment passed by the Management without following the due process of law by complying with Section 25-F of the Act. The Industrial Tribunal by its award dated 28.01.1999 set aside the retrenchment order and directed the appellant-management herein to reinstate the second respondent with back-wages and continuity of service and to pay a sum of Rs.500/- towards costs. Aggrieved by the same, the appellant herein filed WP.No.18491 of 1999 before this Court and the learned Single Judge dismissed the writ petition along with a batch of writ petitions by common order dated 24.11.1999.

3. Learned counsel for the appellant submits that against the common order dated 24.11.1999 the appellant preferred appeals in WA.No.601 of 2000 and batch and the Division Bench of this Court by order dated 02.08.2005 as reviewed in Rev.WAMP.No.3859 of 2005 dated 18.11.2005 modified the order of the learned Single Judge directing the appellant-corporation to reinstate the similarly situated workmen therein with continuity of service without back-wages making it clear that continuity of service is only for the purpose of calculating the terminal benefits as per rules.

Following the aforesaid judgment, the writ appeal is disposed of modifying the order of the learned Single Judge directing the appellant-Corporation to reinstate the second respondent workman with continuity of service without back-wages, if not already reinstated. However, it is made clear that continuity of service shall be reckoned only for the purpose of calculating the terminal benefits as per rules. There shall be no order as to costs.

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V. ESWARAIAH, J

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VILAS V. AFZULPURKAR, J

February 11, 2009

DSK